

Remarks

Upon entry of the foregoing amendments, claims 44 – 48, 50 – 59 and 61 – 64 are under consideration.

Applicants have cancelled claims 49 and 60 and added new claims 63 and 64 to more clearly and accurately define the antibodies of the instant Application. Specifically, new claims 63 and 64 are based on original claims 49 and 60. However, new claims 63 and 64 no longer recite “an epitope consisting of the amino acid sequence of SEQ ID NO:13 from amino acid number 33 (Cys) to amino acid number 46 (Gly).”

The present amendment adds no new matter.

THE §112, FIRST PARAGRAPH REJECTIONS

The Examiner has rejected claims 49 – 62 under 35 U.S.C. §112, first paragraph, stating that “Applicant has no support for the newly added claim language drawn to an antibody which binds specifically to a epitope consisting of amino acid number 33 to 46.”

Applicants note that the Office Action Summary, Box 5 and Box 6 note that claims 44 – 47 are allowed and claims 48 – 62 are rejected. In contrast, Page 2 of the August 8, 2003 Office Action states that claims 49 – 62 are rejected for the reasons stated above. Applicants assert that only dependent claim 49, independent claim 60, and thus, claims dependent from either of these claims (*i.e.* claims 61 and 62) recite “an epitope consisting of the amino acid sequence of SEQ ID NO:13 from amino acid number 33 (Cys) to amino acid number 46 (Gly).” Independent claim 48 and dependent claims 50 – 59 do not recite the language rejected under 35 U.S.C. §112, first paragraph. Accordingly, Applicants believe that claims 48 and 50 – 59 should be allowable.

However, in order to expedite prosecution, Applicants have cancelled claims 49 and 60 and rewritten them as new claims 63 and 64. New claims 63 and 64 no longer recite “an epitope consisting of the amino acid sequence of SEQ ID NO:13 from amino acid number 33 (Cys) to amino acid number 46 (Gly).” Thus, Applicants believe that the present rejection is now moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the Application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

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Respectfully submitted,



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Enclosures:

Amendment Fee Transmittal (in duplicate)
Petition to Correct Original Named Inventors
Statement of Robyn L. Adams
Statement of Anna C. Jelmgberg
Written Consent of Assignee
Combined Declaration for Patent and Power of Attorney (4)
Postcard

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